

## **REMARKS**

### **I. Status of the Claims**

The Action states that Claims 1-8 are pending. Claims 1-3 stand rejected under Section 102(b) as anticipated by U.S. Patent No. 4,338,383 to Jutte et al. (Jutte). Claims 4-8 stand rejected under Section 103(a) as unpatentable over Jutte in view of U.S. Patent No. 6,025,086 to Ching (Ching).

Independent Claim 1 has been amended hereinabove to more particularly recite the invention. As such, Applicant respectfully submits that the application is in condition for allowance.

In addition, Claims 10-18 are proffered for entry and examination. Applicant respectfully submits that they are in order for allowance for the same reasons as Claims 1-8, as discussed below.

### **II. The Rejections Based on Jutte**

The Action rejects Claims 1-3 under Section 102(b) as anticipated by Jutte. Jutte teaches a container for a maintenance-free lead-acid storage battery. The Action at page 3 points out that Jutte discloses a "gas guide means (35) that forms a passageway or distribution chamber between the cover housing and vent cover and serves to convey the egressing gas substantially omnidirectionally from each filler well aperture to a gas escape gap (36)." Jutte at Column 4, lines 26-32 confirms that the passageway 35 and gap 36 produce substantially omnidirectional gas egress. In Webster's Third New International Dictionary, omnidirectional is defined as "receiving or sending radiations equally well in all directions."

In **Figure 7** of Jutte, it is clear that there are several gas escape gaps (36), which is consistent with a substantially omnidirectional conveyance of egressing gas from each filler well. If the conveyance of egressing gas were unidirectional from each well, **Figure 7** would show at the most six gas escape gaps (36). Instead, at least eleven gas escape gaps (36) are represented in **Figure 7** through upward arrows. Furthermore, these arrows are distributed in an even pattern around the perimeter of the cover (23), which suggests by drawing convention that there are more gas escape gaps (36) than can effectively be drawn individually.

However, Applicant respectfully submits that it is precisely because of the omnidirectionality of the gas guide means in Jutte that it cannot anticipate the present application. Independent Claim 1 of the present application has been amended hereinabove to recite "a gas guide means formed integrally with and in one position within the cover for guiding gas from the collection space away from the battery through one end of the cover." An omnidirectional gas guide means cannot, by definition, guide gas through only one end of the cover. Inasmuch as the Jutte battery fails to disclose at least this element of Claim 1, Applicant submits that the rejections under Section 102(b) based on Jutte should be withdrawn.

Furthermore, Jutte fails to teach "a gas guide means [that] may be positioned in more than one orientation to the battery casing," which is also set forth in independent Claim 1. In response to this objection, the Action at pages 3-4 asserts that this feature "is considered to be an inherent property of the battery assembly as set forth in the prior art, because the battery cover is symmetrical and therefore may be revers[i]bly positioned in [the] recess." While this assertion may be correct with respect to the cover, the logic does not extend to the gas guide means. In Jutte, even if the cover in which the gas guide means sits were reversed, the gas guide means would not have been repositioned with respect to the battery casing, because the gas guide means would still be extending omnidirectionally. Thus, Applicant submits that Jutte cannot anticipate the present application for this additional reason.

Moreover, Applicant submits that Jutte fails to suggest the subject matter of Claim 1. The distinction between an omnidirectional gas guide means, as in Jutte, and a gas guide means that guides gas through only one end of the cover, as recited in Claim 1, is significant because the gas guide means of the present application can offer performance advantages that cannot be achieved in Jutte. For example, an omnidirectional gas guide means could not comprise a single nozzle to which a flexible tube may be attached. Also, in the present invention but not in Jutte, gas can be expelled in a single direction, which may reduce safety risks or simplify installation and/or maintenance. As such, Applicant submits that the subject matter of Claim 1 satisfies Section 103(a) also.

### **III. The Rejections Based on Jutte in View of Ching**

The Action rejects Claims 4-8 as unpatentable under Section 103(a) over Jutte in view of Ching. The Action at page 5 cites Ching only for the proposition that "it is conventional to employ nozzle 322 protruding from the cover in order to facilitate attachment of a conduit, such as a flexible hose." Ching at no point discloses "a gas guide means formed integrally with and in one position within the cover for guiding gas from the collection space away from the battery through one end of the cover." **Figure 1** of Ching makes it clear that the gas guide means (250) therein guides the gas in two opposing directions. Hence, it does not teach a gas guide means that guides gas through one end of the cover. Ching also fails to guide gas from a collection space within the covered recess. Accordingly, Ching fails to satisfy the deficiencies of Jutte set forth above, and the rejections based on Jutte in view of Ching should be withdrawn.

### **IV. Conclusion**

Inasmuch as all of the outstanding issues raised in the Action have been addressed, Applicant respectfully submits that the application is in condition for allowance, and requests that it be passed to allowance and issue.

Respectfully submitted,



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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 30, 2004.

  
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